

REMARKS

Claims 18, 20-23, 29, 31-34, 65, and 66 are pending in the application.

Applicants note that claims 23 and 33 are deemed withdrawn from consideration.

Applicants submit that both claims 23 and 33 read on the elected species and therefore are drawn to elected subject matter. Applicants respectfully request that claims 23 and 33 be rejoined and examined in concert with remaining pending claims 18, 20-23, 29, 31-34, 65, and 66 and allowed.

Applicants have amended the definition of "Z" in independent claims 18 and 65 as follows. Claims 18 and 65 as currently amended require that when variable "Z" is alkenyl, the alkenyl group must be a substituted alkenyl group. Applicants have also deleted "carboxyl" from the listing of permissible substituents for "Z" when "Z" is a substituted alkenyl group. Support for these amendments can be found throughout the Specification, e.g., at page 6, lines 27-31; page 8, line 1 (compounds (28), (30), and (31)); and claim 30 as originally filed.

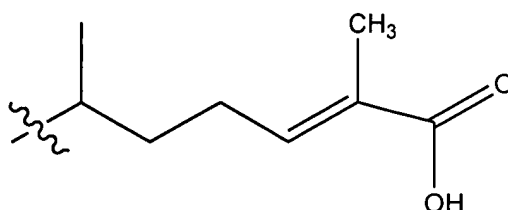
Applicants have amended claims 29, 33, 34, and 66 to comport in scope with claims 18 and 65 as currently amended.

No new matter is introduced by these amendments.

Rejections under 35 U.S.C. § 102

Claims 18, 20-22, 29, 31, 32, 34, 65, and 66 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kurosawa et al., *Steroids* 1997, 62, 474-481 (Kurosawa). The Office relies upon the disclosure of the compound 3 α , 6 α -dihydroxy-5 β -cholest-24-en-26-oic acid (compound **3b** in Figure 1 at page 476 of Kurosawa).

Compound **3b** in Kurosawa is a steroid compound in which the substituent corresponding to R^{17} in the formula delineated in claim 18 has the following structure:



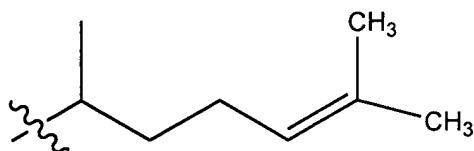
R^{17} in claims 18 and 65 is further defined as having the general formula “-X-Y-Z.” Accordingly, the substituent corresponding to R^{17} in Kurosawa's compound **3b** is one in which X is alkyl, Y is a bond, and Z is an alkenyl moiety that is substituted with a carboxyl group (COOH).

However, claims 18 and 65 as currently amended exclude carboxyl as a permissible substituent for Z when Z is an alkenyl moiety. As such, compound **3b** disclosed in Kurosawa falls outside of the scope of claims 18 and 65 as currently amended.

Applicants submit that Kurosawa does not anticipate independent claims 18 and 65 as currently amended because Kurosawa does not teach every element of claims 18 and 65 as currently amended. Since claims 20-22, 29, 31, 32, 34 depend from claim 18 and claim 66 depends from claim 65, they also are not anticipated by Kurosawa. In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 18, 20-22, 29, 31, 32, and 65 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kaiser, U.S. Patent 4,351,767 (Kaiser). The Office relies upon the disclosure of the compound $3\alpha, 6\alpha$ -dihydroxy- 5β -cholest-24-ene (Example X at col. 6 of Kaiser).

Example X in Kaiser is a steroid compound in which the substituent corresponding to R¹⁷ in the formula delineated in claim 18 has the following structure:



R¹⁷ in claims 18 and 65 is further defined as having the general formula “-X-Y-Z.” Accordingly, the substituent corresponding to R¹⁷ in Kaiser’s Example X is one in which X is alkyl, Y is a bond, and Z is an unsubstituted alkenyl moiety.

However, claims 18 and 65 as currently amended require that when variable “Z” is alkenyl, the alkenyl group must be a substituted alkenyl group, and not an unsubstituted alkenyl group as is found in Kaiser’s Example X. As such, Example X disclosed in Kaiser falls outside of the scope of claims 18 and 65 as currently amended.

Applicants submit that Kaiser does not anticipate independent claims 18 and 65 as currently amended because Kaiser does not teach every element of claims 18 and 65 as currently amended. Since claims 20-22, 29, 31, and 32 depend from claim 18, they also are not anticipated by Kaiser. In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection.

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Cont.

CONCLUSION

Applicants submit that all claims are in condition for allowance.

Enclosed is a \$225 check for the Two Month Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No.: 10634-002002.

Respectfully submitted,

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